

*REMARKS*

Reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

*Status of the Application*

Claims 1-10 are currently pending. In this response, claim 1 is amended to place it in condition for allowance, and claim 10 is amended to address a minor grammatical matter. Support for these amendments can be found throughout the application as filed, including in the claims as originally presented. Thus, no new matter has been introduced into the application by way of these amendments.

*Summary of the Office Action*

Claims 1, 7 and 9 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 6,238,838 to Gashler et al. ("the '838 patent").

Claims 1-10 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 6,492,093 also to Gashler et al. ("the '093 patent")

In entering the rejections, the Examiner notes that the solubilizing groups G<sup>1</sup> and G<sup>2</sup> are not required in any claim.

*Discussion*

Applicants have addressed each rejection by amending claim 1 so that the claimed infrared light absorbing compound comprises, *inter alia*, three, four or five of one (or both) of the solubilizing groups G<sup>1</sup> or G<sup>2</sup>. As recognized by the Office Action in connection with the allowance of claims 2-6 over the '838 patent (and in the Examiner's comment on entering the rejection set forth above), the presence of such solubilizing groups on the infrared light absorbing compound is not disclosed or taught by the '838 patent. As claim 1 (and all dependent claims) now require the presence of such solubilizing groups, and the '838 patent admittedly fails to disclose or teach the claimed subject matter, withdrawal of the rejection over this reference is proper and respectfully solicited.

Applicants further submit that the disclosure and teaching of the '093 patent relative to the pending claims is cumulative to that provided by the '838 patent. As recognized in the Examiner's comments, the '093 also does not disclose or teach the claimed subject matter, e.g., an infrared light absorbing compound comprising, *inter alia*, three, four or five of one (or both) of the solubilizing groups G<sup>1</sup> or G<sup>2</sup>. The claims are thus also allowable over the '093 patent.

Finally, no additional search or consideration is required, as the infrared light absorbing compound comprising solubilizing groups was previously searched and considered on the merits.

*Conclusion*

As Applicants believe the application is in proper condition for allowance, the Examiner is respectfully requested to pass the application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



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